

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

JEM Industries, Inc.  
1131 E. Main Street, Suite 200  
Tustin, California 92780

ID No. CAR000168633

Respondent.

Docket HWCA 2006-1082

CONSENT ORDER

Health and Safety Code  
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and JEM Industries, Inc. (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent is a registered hazardous waste transporter with registration number 3852, located at 1131 E. Main Street, Suite 200 and 270 E. Main Street in Tustin, California 92780 (Site).

1.3. Inspection. The Department inspected the Site on November 21, 2005.

1.4. Jurisdiction. Health and Safety Code, section 25187, authorizes the Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.5. Full Settlement. This Order shall constitute full settlement of the violations alleged below. The Parties, and each of them, agree that this Order, and all of the terms contained herein, are fair, reasonable, and in the public interest. By agreeing to

this Order, the Department does not waive any right to take other enforcement actions except as specifically provided in this Order.

1.6. Hearing. Respondent waives any and all rights to a hearing in this matter.

1.7. Admissions. Respondent admits the violations as alleged in Section 2 below.

## 2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.1.1. The Respondent violated Health and Safety Code Section 25201, subsection (a), in that between June 2004 and January 2005, Respondent held hazardous waste from off-site sources for longer than ten days at its transfer facility without authorization from the Department.

2.1.2. The Respondent violated California Code of Regulations, title 22, section 66262.20, in that on or about November 22, 2005, Respondent failed to prepare a manifest for hazardous waste that it generated and transported off-site.

## 3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Immediately, Respondent shall not hold hazardous waste at its transfer facility for greater than ten days without receiving authorization from the Department.

3.1.2. Respondent sent a letter to the Department dated January 17, 2006, that it has contracted out all of its oil change services and it will no longer be a hazardous waste generator.

3.1.3. Respondent shall make all payments at the time(s) and in accord with any other conditions set forth in Section 5 (Penalty) below.

#### 4. OTHER PROVISIONS

4.1. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondent may be required to take such further actions as are necessary to protect public health or welfare or the environment.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code, section 25188, and other applicable provisions of law.

4.3. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.8. Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this Order.

#### 5. PENALTY

5.1. Respondent shall pay the Department the total sum of \$9,000 of which \$7,005 is a penalty and \$1,995 is reimbursement of the Department's costs incurred in this matter.

5.2. Payment of \$4,000 is due within 30 days from the effective date of this Order.

5.3. Respondent's check(s) shall be made payable to Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the caption of this case, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control  
Accounting Office  
1001 I Street, 21st floor  
P. O. Box 806  
Sacramento, California 95812-0806

A photocopy of the check(s) shall be sent to:

Ms. Pamela LePen  
Department of Toxic Substances Control  
Statewide Compliance Division  
5796 Corporate Avenue  
Cypress, California 90630

5.4. If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code, section 25360.1, and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

5.5. The penalty shall be reduced by \$5,000 if, and only if, Respondent sends at least one employee to the California Compliance School, Modules I – III, and submits to the Department, within 180 days of the effective date of this Consent Order, a Certificate of Satisfactory Completion thereof.

5.6. In the event that the above Certificate of Satisfactory Completion is not received by the Department within 180 days of the effective date of this Consent Order, the entire remaining balance of \$5,000 shall then become due and payable.

## 6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Dated: June 6, 2006

Original Signed by Mark A. Strockis  
Mr. Mark A. Strockis, President  
JEM Industries, Inc.

Dated: June 13, 2006

Original Signed by Yvonne M. Sanchez  
Ms. Yvonne M. Sanchez, Chief  
Cypress Branch  
Statewide Compliance Division  
Department of Toxic Substances Control